

## **IN THE CLAIMS**

This listing of claims replaces all prior versions, and listings, in this application.

1. (currently amended) An oxalate deficient *Aspergillus niger* mutant strain which originated from a wild type strain suitable for production of an enzyme, wherein said oxalate deficient strain produces at least the same amount of said enzyme as the wild type strain produces under the same culture conditions.
2. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient strain produces more of said enzyme than said wild type strain produces under the same culture conditions.
3. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient strain has an intracellular oxaloacetate hydrolase (OAH) activity between 1% and 25% of the intracellular OAH activity of said wild type strain.
4. (previously presented) An oxalate deficient *Aspergillus niger* mutant strain which originated from a wild type strain, characterized in that when said oxalate deficient strain has been transformed with an expression construct comprising a gene coding for an enzyme, said oxalate deficient strain produces at least the same amount of said enzyme as said wild type strain produces under the same culture conditions, when said wild type strain has been transformed with the same expression construct as said oxalate deficient strain.
5. (currently amended) The oxalate deficient *A. niger* mutant strain according to claim 4, characterized in that said gene is a [[an]] heterologous gene.

6. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient strain produces at least the same amount of said enzyme as *A. niger* strain CBS 513.88 produces under the same culture conditions.

7. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said enzyme is a fungal alpha amylase.

8. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 7, wherein said fungal alpha amylase is derived from *A. oryzae* or *A. niger*.

9. (withdrawn) A method for obtaining an oxalate deficient *Aspergillus niger* mutant strain from a wild type strain, wherein said oxalate deficient strain is suitable for producing at least the same amount of an enzyme as said wild type strain produces under the same culture conditions; said method comprises:

- a) subjecting an *A. niger* wild type strain to ultraviolet (UV) irradiation to obtain mutants,
- b) obtaining colonies of mutants which survived UV irradiation in microtiter plate (MTP) culture,
- c) performing a first selection within the MTP cultures in which mutants are selected that produce no more than half the amount of oxalate as said wild type strain produces under the same culture conditions, and
- d) performing a second selection of mutants selected in step c) in which mutants are selected that produce at least the amount of said enzyme as said wild type strain produces under the same culture conditions.

10. (withdrawn) The method according to claim 9, wherein said method further comprises:

- e) performing a third selection of the mutants selected in step d) in which mutants are selected to have an intracellular oxaloacetate hydrolase (OAH) activity between 1% and 25% of the intracellular OAH activity of said wild type strain.

11. (previously presented) A method of producing an enzyme comprising using the oxalate deficient *A. niger* mutant strain according to claim 1.

12. (previously presented) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said oxalate deficient strain produces more of said enzyme than *A. niger* strain CBS 513.88 produces under the same culture conditions.

13. (currently amended) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said wild type strain produces at least 15 mM oxalate under the same culture conditions.

14. (currently amended) The oxalate deficient *A. niger* mutant strain according to claim 1, wherein said wild type strain produces at least 30 mM oxalate under the same culture conditions.

15. (currently amended) The oxalate deficient *A. niger* mutant strain according to claim 4, wherein said wild type strain produces at least 15 mM oxalate under the same culture conditions.

16. (currently amended) The oxalate deficient *A. niger* mutant strain according to claim 4, wherein said wild type strain produces at least 30 mM oxalate under the same culture conditions.

17. (withdrawn/currently amended) The method according to claim 9, wherein said wild type strain produces at least 15 mM oxalate under the same culture conditions.

18. (withdrawn/currently amended) The method according to claim 9, wherein said wild type strain produces at least 30 mM oxalate under the same culture conditions.

19. (new) A method of producing an enzyme comprising: culturing the oxalate deficient *A. niger* mutant strain according to claim 4, expressing enzyme in said oxalate deficient strain, and recovering said expressed enzyme.

20. (new) A method of producing an enzyme comprising: culturing the oxalate deficient *A. niger* mutant strain according to claim 5, expressing enzyme in said oxalate deficient strain, and recovering said expressed enzyme.